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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,673	01/05/2001	Leonard Forbes	MI22-1531	5293

21567 7590 01/29/2003

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EXAMINER

NGUYEN, KHIEM D

ART UNIT	PAPER NUMBER
2823	

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

A/C

Office Action Summary	Application No.	Applicant(s)
	09/755,673	FORBES ET AL.
	Examiner Khiem D Nguyen	Art Unit 2823

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 November 2002.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 January 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

The non-final rejection as set forth in paper No. (5) is withdrawn in response to applicants' amendments.

A new rejection is made as set forth in this Office Action.

Claims (1-26) are pending in the application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi et al. (JP 2000058777) in view of Zhang (U.S. Patent 5,886,364), Chiu et al. (TW 381343) and Sun et al. (U.S. Patent 6,150,209).

Choi discloses a method of forming a capacitor structure, comprising (See BASIC-ABSTRACT and FIG. 8):

forming a first electrical node 102 comprises conductively doped silicon;
forming a dielectric layers 115 comprising aluminum nitride over the first electrical node;
forming a second electrical node 105 that is electrically separated from the first electrical node by at least the dielectric material; the first electrical node, second electrical node and dielectric material together defining at least a portion of a capacitor structure.

Choi fails to explicitly disclose that the dielectric layer is a layer of metallic aluminum that being entirely transformed into AlN, AlON or AlO wherein the listed compounds are described in terms of chemical constituents rather than stoichiometry as recited in present claims 1-4, 6-8, 10, 11, 16-19, 24 and 25.

Zhang discloses that the dielectric layer is a layer of metallic aluminum 32 that being entirely transformed into aluminum nitride (AlN), aluminum oxynitride (AlON) or Aluminum oxide (AlO) wherein the listed compounds are described in terms of chemical constituents rather than stoichiometry (col. 5, lines 43-56 and FIG. 3B). It would have been obvious to one of ordinary skill in the art of making semiconductor devices to combine the teaching of Choi and Zhang to enable the AlN, AlON or AlO layer of Choi to be formed.

Neither Choi nor Zhang discloses forming a layer of silicon dioxide between the first electrical node and the layer of metallic aluminum as recited in present claims 11, 19, 20 and 22.

Chiu discloses forming a silicon dioxide layer 20 between the first electrical node 18 and the dielectric layer 22 (BASIC-ABSTRACT and related FIG.). It would have been obvious to one of ordinary skill in the art of making semiconductor devices to combine the teaching of Choi, Zhang and Chiu to enable the silicon dioxide layer of Choi to be formed and further more to prevent dielectric cracking of capacitors (BASIC-ABSTRACT).

Chiu also discloses forming a second dielectric layer 26 on the first dielectric layer. It would have been obvious to one of ordinary skill in the art of making

semiconductor devices to combine the teaching of Choi, Zhang and Chiu to enable the second AlON or AlO layer of Choi to be formed.

Neither Choi nor Zhang discloses the transforming temperature and the thickness ranges of the resulting layers of AlN, AlON, AlO and silicon dioxide as recited in present claims 5, 7, 9, 10, 12, 13, 15, 17, 18, 21, 23 and 25.

However, there is no evidence indicating that the transforming temperature and thickness ranges of the resulting layers of AlN, AlON, AlO and silicon dioxide are critical and it has been held that it is not inventive to discover the optimum or workable height of a result-effective variable within given prior art conditions by routine experimentation. See MPEP 2144.05.

None of the references explicitly disclose providing a transistor adjacent the capacitor structure wherein the transistor and a capacitor structure together defining a DRAM cell comprising the transistor and the capacitor structure as recited in present claim 26.

Sun discloses providing a transistor adjacent the capacitor structure wherein the transistor and a capacitor structure together defining a DRAM cell comprising the transistor and the capacitor structure (FIGS. 1-5 and related text). It would have been obvious to one of ordinary skill in the art of making semiconductor devices to combine the teaching of Chiu, Choi, Zhang and Sun to enable a DRAM cell comprising the transistor and the capacitor structure of Choi to be formed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khiem D Nguyen whose telephone number is (703) 306-0210. The examiner can normally be reached on Monday-Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chaudhuri Olik can be reached on (703) 306-2794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-9179 for regular communications and (703) 746-9179 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

K.N.
January 27, 2003


George Fourson
Primary Examiner
2823